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**United States Department of Energy  
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing	)	
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Filing Date: April 4, 2021	)	Case No: PSH-21-0040
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Issued: June 24, 2021

**Administrative Judge Decision**

Katie Quintana, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXX (hereinafter referred to as “the Individual”) to hold an access authorization under the United States Department of Energy’s (DOE) regulations, set forth at 10 C.F.R. Part 710, Subpart A, entitled “General Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material.”<sup>1</sup> As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual’s access authorization should not be restored.

**I. Background**

The Individual is employed by a DOE contractor in a position that requires him to hold a security clearance. As part of a reinvestigation for his security clearance, the Individual completed an Electronic Questionnaires for Investigations Processing (e-QIP) in October 2017. Ex. 16. In response to the financial questions, the Individual indicated that he failed to file his 2015-2016 Federal and state income taxes. *Id.* at 43. In response to questions regarding his police record, the Individual noted that, in the last seven years, he had been charged with Driving Under the Influence (DUI) in September 2007 and with “domestic charges” in December 2011. *Id.* at 34-35. Regarding the December 2011 charges, the Individual noted that his use of alcohol “may have been a contributing factor to the incident.” *Id.* at 35.

In March 2018, the Individual underwent a Human Reliability Program (HRP) interview, and in early October 2018, the Individual self-reported that he had been arrested and charged with DUI. Ex. 11; *see* Ex. 1. Subsequently, the Local Security Office (LSO), asked him to complete a Letter of Interrogatory (LOI), dated late October 2018. Ex. 12. The Individual then underwent two Fitness

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<sup>1</sup> Access authorization is defined as “an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material.” 10 C.F.R. § 710.5(a). Such authorization will be referred to variously in this Decision as access authorization or security clearance.

for Duty (FFD) interviews on November 16, 2018, and November 29, 2018. *See* Ex. 1. Finally, in March 2019, the Individual was evaluated by a DOE consultant psychologist (Psychologist), who diagnosed the Individual with Alcohol Use Disorder, Mild, in early remission. Ex. 14.

Due to unresolved security concerns arising from these incidents, the LSO informed the Individual, in a Notification Letter dated July 1, 2020 (Notification Letter), that it possessed reliable information that created substantial doubt regarding the Individual's eligibility to hold a security clearance. In an attachment to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline E (Personal Conduct), Guideline F (Financial Considerations), and Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. Ex. 1.

Upon receipt of the Notification Letter, the Individual exercised his right under the Part 710 regulations by requesting an administrative review hearing. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me the Administrative Judge in the case, and I subsequently conducted an administrative hearing in the matter. At the hearing, the DOE Counsel submitted 19 numbered exhibits (Exhibits 1-19) into the record and presented the testimony the Psychologist. The Individual introduced eleven lettered exhibits (Exhibits A-K) into the record and presented the testimony of five witnesses, including his own. The exhibits will be cited in this Decision as "Ex." followed by the appropriate numeric designation. The hearing transcript in the case will be cited as "Tr." followed by the relevant page number.

## **II. Regulatory Standard**

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all of the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person's access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for granting security clearances indicates "that security determinations should err, if they must, on the side of denials"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization "will not endanger the common defense and security and will be clearly consistent with the national interest." 10 C.F.R. § 710.27(d). The individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. 10 C.F.R. § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

## **III. Notification Letter and Associated Security Concerns**

As previously mentioned, the Notification Letter included a statement of derogatory information that raised concerns about the Individual's eligibility for access authorization. The information in

the letter specifically cites Guideline E, Guideline F, and Guideline G of the Adjudicative Guidelines. Guideline E concerns “[c]onduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules or regulations.” Guideline E at ¶ 15. This conduct can call into question an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information. *Id.* Guideline F addresses one’s “[f]ailure to live within one’s means, satisfy debts, and meet financial obligations.” Guideline F at ¶ 18. It is well established that failure or inability to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified information. *Id.* Guideline G relates to security risks arising from excessive alcohol consumption. Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses and can raise questions about an individual’s reliability and trustworthiness. Guideline G at ¶ 21.

In citing Guideline E, the LSO relied upon: (1) the Individual’s inconsistent reports of his alcohol consumption during his HRP and FFD interviews, in his LOI, and during his evaluation with the Psychologist; (2) the Individual’s inconsistent reports of his alcohol consumption to the arresting officer in his October 2018 DUI and in his LOI; (3) his admission to the Psychologist that he misrepresented his alcohol consumption to the 2018 arresting officer; (4) his admission during the second FFD interview that he had “not been forth-coming” during his initial FFD interview; (5) the Individual’s failure to list three unpaid collection accounts and one delinquent account on his e-QIP. Ex. 1.

Regarding Guideline F, the LSO cited the Individual’s disclosures on his e-QIP that he had failed to file his 2015 and 2016 Federal and state tax returns. *Id.* As support for citing Guideline G, the LSO relied upon the Psychologist’s conclusion that the Individual met the *Diagnostic and Statistical Manual of the American Psychiatric Association, Fifth Edition* (DSM-5) criteria for a diagnosis of Alcohol Use Disorder, Mild, in early remission, without adequate evidence of rehabilitation or reformation. *Id.* It additionally cited a 2007 DUI and the Individual’s admission during a Personnel Security Interview (PSI) that he had consumed alcohol and was terminated from a previous job for violating the company’s policy against operating a company vehicle under the influence of alcohol. *Id.* The LSO also cited a December 2011 incident, wherein, after consuming five shots of whiskey, the Individual was arrested and charged with abandonment of a child, aggravated assault, negligent use of a deadly weapon, criminal damage to property, and interference with communication. *Id.* Lastly, the LSO cited an October 2018 DUI, where the Individual admitted he consumed three beers and two and a half shots prior to operating a vehicle. *Id.*

#### **IV. Findings of Fact**

In March 2019, the Psychologist conducted an evaluation of the Individual. Ex. 14. During the clinical interview, the Individual disclosed the events surrounding his July 2007 arrest for DUI and his December 2011<sup>2</sup> arrest, prior to which he admitted to consuming five shots of whiskey. *Id.* at

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<sup>2</sup> The Psychologist’s report mistakenly refers to this event as occurring in 2012. Ex. 14 at 3.

3. The Individual claimed that his December 2011 consumption of alcohol was only one of two instances of alcohol consumption between the years of 2009 and 2013. *Id.* He additionally discussed the details surrounding his October 2018 arrest for DUI. *Id.* at 4. The Individual disclosed that he consumed three 16-ounce beers and two and a half shots of whiskey at dinner while on a road trip with his father. *Id.* According to the Psychologist's report (Report), the Individual admitted that he misrepresented his alcohol consumption to the arresting officer because he "knew [he] was in trouble [and] did not want to lose [his] clearance." *Id.*

The Report notes that during the Individual's HRP interview in March 2018, he told the interviewer that he had not consumed alcohol since 2011. *Id.* at 5. However, during the November 16, 2018 FFD interview, he admitted to consuming whiskey in February 2018. *Id.* According to the Report, the Individual told the Psychologist that he had been consuming "two whiskey miniatures...about every six or eight weeks" between 2011 and October 2018.<sup>3</sup> However, he claimed to have been abstinent from alcohol since October 2018. *Id.* at 6. The Psychologist ultimately determined that the Individual met the diagnostic criteria for Alcohol Use Disorder, Mild, in early remission. *Id.* at 9. He opined that there was not sufficient evidence of rehabilitation, and he concluded that evidence of "reformation would be found in his documented abstinence for a minimum of nine months." *Id.* The Psychologist suggested documentation in the form of at least two negative Phosphatidylethanol (PEth) tests within the subsequent four months.<sup>4</sup> *Id.* He also recommended that the Individual enroll and participate in an intensive outpatient alcohol program (IOP) and attend the aftercare meetings for at least six months. *Id.*

At the hearing, the Individual testified on his own behalf. He also presented the testimony of his wife, brother, and two colleagues who knew him personally and professionally. All witnesses spoke highly of his character. Tr. at 14, 44-45, 56, 62-32.

#### **A. Guideline F: Financial Considerations**

Beginning with his finances, the Individual testified that he had not filed his 2015 and 2016 taxes when they were due because he and his wife were having marital issues, and "things just kind of slipped away." *Id.* at 75, *see id.* at 21. He explained that, as of the date of the hearing, the 2015 Federal and state taxes had been filed and paid,<sup>5</sup> but the 2016 Federal and State taxes were still outstanding. *Id.* at 77. He elaborated, stating that he went to a tax preparer with the intention of resolving all his taxes, but for an unknown reason, the 2016 taxes were "missed." *Id.* The Individual stated his intention to resolve the 2016 taxes the week after the hearing with an accountant.<sup>6</sup> *Id.* When asked why it had taken four years to resolve the tax issues, the Individual stated that he did

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<sup>3</sup> The Individual denies ever making this statement to the Psychologist. Tr. at 85.

<sup>4</sup> The Psychologist noted that breath tests would not be sufficient. Ex. 14 at 9.

<sup>5</sup> The Individual's wife testified that the 2015 Federal were filed approximately one week prior to the hearing, which is supported by Exhibit E. Tr. at 19. The Individual did not submit any documentation proving that the 2015 state taxes had been filed.

<sup>6</sup> A little over a week after the hearing, the Individual submitted copies of his 2016 Federal and state taxes into the record. Ex. J-K. The returns indicated that the Individual owed over \$2,000. *Id.* The Individual did not provide any indication of whether these taxes had been paid when he submitted the exhibits.

not “have any other answer other than the fact that we were going through...stuff in our marriage at that time.” *Id.*

### **B. Guideline E: Personal Conduct**

Turning to Guideline E, according to the LSO, in the March 2018 HRP interview, the Individual stated that he had not consumed alcohol since 2011; however, in the October 2018 LOI and during the November 16, 2018 FFD interview he stated that he began consuming alcohol again in February 2018, one to two times per month. Ex. 1. Then, according to the LSO, the Individual told the Psychologist that he had been consuming alcohol every six to eight weeks since 2011. *Id.*

The Individual testified that in the March 2018 HRP interview, he told the interviewer that he had not consumed alcohol from 2011 to 2018, but that he had begun consuming alcohol again in late February 2018. Tr. at 82. The Individual stated that the discrepancy was “a matter of...dates getting mixed up in how” the interviewer was asking the questions. *Id.* at 82-83. When pressed on why he did not reveal to the interviewer that he had begun consuming alcohol just weeks prior to the March 2018 HRP interview, the Individual then stated that his timing was “off.” *Id.* at 84. However, his testimony later reaffirmed that he “picked up another drink at about the latter part of February” and was interviewed in March. *Id.* at 87. He then followed this statement noting that “it had to have been the case” that he miscalculated. *Id.* The Individual testified that he never told the Psychologist that he had been consuming alcohol every six to eight weeks since 2011. *Id.* at 86.

Regarding his October 2018 arrest, the Individual explained the inconsistency between his statement to the arresting officer about the time he last consumed alcohol and his discrepant statement in the LOI. *Id.* at 93. The Individual stated that the misrepresentation to the arresting officer was “plainly out of...guilt, shame, and fear of...the consequences.” *Id.* He acknowledged that he was “fully aware of...[what] was about to take place,” and he panicked. *Id.* He noted that he eventually “clear[ed] up” the misrepresentation with the officer. *Id.*

The Individual then addressed his admission during the November 29, 2018 FFD interview that he had not been forthcoming during his November 16, 2018 FFD interview regarding his October 2018 arrest. *Id.* at 96. During the first FFD interview, the Individual did not disclose that his father was arrested with him, but he instead stated that his father went to a hotel. Ex. 1. The Individual testified that this fabrication was “pretty silly” and “totally unnecessary.” Tr. at 96. He stated that he was trying to protect his father and acknowledged that his choice to lie was a “poor decision.” *Id.*

Lastly, the Individual explained his failure to list delinquent and unpaid accounts on his e-QIP. *Id.* at 97. He stated that, at the time he completed the e-QIP, he “had no idea” the delinquent accounts existed. *Id.* He acknowledged that he should have run a credit report prior to completing the e-QIP, but he resolved the accounts as soon as he discovered they existed. *Id.* at 96-97.

### **C. Guideline G: Alcohol Consumption**

In addressing Guideline G, the Individual first testified regarding his 2007 DUI. *Id.* at 102. He stated that he was working for a public service company, and on his way home in a company

vehicle, he stopped to have a drink with a coworker.<sup>7</sup> *Id.* While leaving his parking space, the Individual stated that he “clipped” the bumper of another car; the police were called; he was subjected to a “sobriety test,” and he was arrested for DUI. *Id.* After being arrested, the Individual indicated that he stopped consuming alcohol “for some time,” and his alcohol consumption was “very casual,” which he described as “pretty much almost none.” *Id.* at 103.

In December 2011, the Individual stated that after he had consumed alcohol, he and his wife began arguing. *Id.* He elaborated that he had a firearm, and his children became frightened and called the police.<sup>8</sup> *Id.* at 104. The Individual testified that, prior to this event, he only consumed alcohol “few and far between, if...at all,” but after the arrest, he completely abstained from alcohol until 2018. *Id.*

The Individual testified that he began consuming alcohol again in late February 2018 due to problems in his marriage. *Id.* at 87, 89. He stated that he would consume “a couple of drinks a week maybe, or every other week.” *Id.* at 93. The Individual explained that he would stop and pick up alcohol and consume it at home while he was outside in his yard. *Id.* at 94. When questioned as to whether he was hiding the alcohol from his wife, as she had previously testified that she had not seen him consume alcohol since the 2011 incident, the Individual stated that he was “not necessarily hiding it,” but he was keeping it away from his children.<sup>9</sup> *Id.* at 94. Then, in October 2018, the Individual joined his father for a road trip during which he was arrested for a DUI.<sup>10</sup> *Id.* at 96; *see* Ex. 1.

Since the October 2018 DUI, the Individual reported that he has “deal[t] with things...instead of shelving” them. Tr. at 105. He stated that he has met with this pastor, sought treatment from a local counseling organization, and participated in the Employee Assistance Program (EAP).<sup>11</sup> *Id.* at 105-106. The Individual submitted the results of six months of random breath tests, from November of 2018 to March of 2019, all of which were negative for alcohol.<sup>12</sup> *Id.* at 118; Ex. C. He also stated

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<sup>7</sup> The Psychologist’s Report indicates that the Individual reported having two 12-ounce beers. Ex. 14 at 3. The Individual added that he may have consumed a shot in addition to the beers, but he could not remember. *Id.* The Psychologist opined that based upon the Individual’s breath test measurements of .10 and .12 g/210L, the Individual was underreporting his consumption. *Id.*

<sup>8</sup> The Psychologist’s Report details that the Individual had consumed five shots of whiskey over approximately three hours while his truck was being repaired. Ex. 14 at 3. He then drove home and began arguing with his wife, at which time, he discharged several rounds from a shotgun into a tree stump out of anger. *Id.*

<sup>9</sup> The Individual’s wife testified that to her knowledge, the Individual did not consume any alcohol between the 2011 incident and his October 2018 arrest. Tr. at 16.

<sup>10</sup> The Individual did not testify regarding the details leading up to the arrest, but according to the Psychologist’s Report, the Individual consumed three 16-ounce beers and two and a half shots of whiskey over approximately two hours. Ex. 14 at 4. The Individual reported that his father was supposed to be driving, but fell ill, and the Individual decided to drive to the next town, where he was stopped for speeding. *Id.* The Individual was then arrested for DUI, and his Blood Alcohol Content (BAC) was measured at 0154 g/210L. *Id.*

<sup>11</sup> The Individual submitted a certificate of completion for a 12-week substance abuse education group from a local counseling organization. Ex. D.

<sup>12</sup> It appears that the Individual may have also provided urine samples; however, the type of test that was performed on the urine is unclear from the Exhibit. Ex. C.

that he participated in Alcoholics Anonymous (AA) on a regular basis from approximately January 2019 until “the pandemic started.” Tr. at 106, 108. The Individual noted that he had completed the 12 steps of AA and obtained a sponsor. *Id.* at 109, 119. The Individual testified that “going off of the top of [his] head,” his sobriety date was October 9, 2018. *Id.* at 111.

After observing the hearing in its entirety, the Psychologist testified. *Id.* at 124. The Psychologist stated that he heard two concerning issues during the hearing: (1) the Individual’s use of alcohol and (2) “his difficulty being completely honest and straightforward.” *Id.* at 128. The Psychologist additionally noted that the Individual had failed to take the steps the Psychologist recommended; specifically, he failed to undertake laboratory testing to prove his abstinence from alcohol, and he failed to participate in an IOP. *Id.* at 129. The Psychologist testified that the breath tests were not adequate for indicating abstinence as the person could “drink heavily the night before and not have any positive evidence.” *Id.* Further, while the Individual did participate in a substance abuse education program, the Psychologist explained that such a program is not equivalent to an IOP as an IOP is much more rigorous.<sup>13</sup> *Id.* at 129.

Ultimately, the Psychologist concluded that after hearing the Individual’s testimony, his diagnosis changed. *Id.* at 134. He stated that he was not confident that the Individual was in remission from his alcohol use disorder, and as such, he removed the “in early remission” descriptor. *Id.* The Psychologist opined that the Individual still met the criteria for Alcohol Use Disorder, Mild, without adequate evidence of rehabilitation or reformation. *Id.* at 138.

## **V. Analysis**

I have thoroughly considered the record of this proceeding, including the submissions tendered in this case and the testimony of the witnesses presented at the hearing. In resolving the question of the Individual’s eligibility for access authorization, I have been guided by the applicable factors prescribed in 10 C.F.R. § 710.7(c) and the Adjudicative Guidelines. After due deliberation, I have determined that the Individual has not sufficiently mitigated the security concerns noted by the LSO with regard to Guidelines E, F, and G. I cannot find that restoring the Individual’s DOE security clearance will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.27(a). Therefore, I have determined that the Individual’s security clearance should be not restored. The specific findings that I make in support of this Decision are discussed below.

### **A. Guideline F**

As discussed above, failure to meet financial obligations can raise security concerns with regard to an individual’s trustworthiness and reliability. Guideline F at ¶ 18. An individual may be able to mitigate the security concerns by demonstrating that the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment. *Id.* at ¶ 20(a). Additionally, demonstrating that arrangements have been made with the appropriate tax authorities to file the taxes may mitigate the security concerns. *See id.* at ¶ 20 (g).

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<sup>13</sup> The Individual’s intake paperwork clearly indicates that the course in which he enrolled was not a full IOP. Ex. 4.

Here, the Individual submitted his 2016 Federal and state tax returns and his 2015 Federal taxes returns into the record. Ex. E, J-K. He did not provide evidence that his 2015 state tax returns had been filed. *Contra* Guideline F at ¶ 19 (f) (stating that the failure to file one's taxes may give rise to a security concern). In addition, the Individual's 2016 Federal and state tax returns indicate that he owes over \$2,000 to the relevant tax authorities. Ex. J-K. There is nothing in the record demonstrating that these taxes have been paid. *Contra* Guideline F at ¶ 19 (f) (stating that the failure to pay one's taxes may give rise to a security concern). Furthermore, it is clear that the Individual was aware of his outstanding taxes when he completed the e-QIP in October 2017; yet, he did not file his 2015 taxes until approximately one week prior to the hearing, over three years later. As such, I cannot find that this behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment. *Contra id.* at ¶ 20(a). For the foregoing reasons, I cannot find that the Individual mitigated the security concerns associated with Guideline F.

### **B. Guideline G**

Alcohol-related incidents away from work, such as driving while under the influence, fighting, spouse abuse, or disturbing the peace, or a diagnosis by a duly qualified mental health provider of an alcohol use disorder, may raise a disqualifying security concern. Guideline G at ¶ 22(a), (d). If an individual acknowledges his pattern of maladaptive alcohol use, provides evidence of actions taken to overcome the problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, he may be able to mitigate the security concern. *Id.* at ¶ 23(b). Additionally, he may be able to mitigate a security concern by successfully completing a treatment program, along with any required aftercare, and demonstrating a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations. *Id.* at ¶ 23(d).

In the present case, the Psychologist ultimately diagnosed the Individual with Alcohol Use Disorder, Mild, without adequate evidence of rehabilitation or reformation. *Id.* at ¶ 22(d). It appears that the Individual has taken some steps to overcome his alcohol use disorder; he: (1) participated in AA, (2) completed an alcohol education course, (3) consulted with his pastor, (4) participated in EAP, and (5) underwent alcohol testing. However, he did not follow the Psychologist's recommendations, including the completion of a treatment program. Furthermore, I cannot find that the Individual has demonstrated a clear and established pattern of abstinence. Prior to the most recent DUI (2018), the Individual had been involved in two serious incidents resulting from his alcohol use, one of which resulted in him discharging a shotgun out of anger; yet, these incidents did not motivate him to become abstinent. The Individual admitted to previously consuming alcohol without anyone knowing while working in his yard, and I cannot find a clear and established pattern of abstinence on the record before me. As such, I find that the Individual has not sufficiently mitigated the security concerns associated with Guideline G.

### **C. Guideline E**

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and



ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process. *See* Guideline E at ¶ 15. Deliberately omitting, concealing, or falsifying relevant facts from any personnel security questionnaire can disqualify an individual from holding access authorization. *Id.* at ¶ 16(a). Additionally, credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability lack of candor, unwillingness to comply with rules or regulations, including a pattern of dishonesty or rule violations, may serve as a disqualifier. *Id.* at ¶ 16 (d)(3). An individual may be able to mitigate such concerns if the offense is so minor, or so much time has passed, or the behavior is so infrequent, or happened under such circumstances that it is unlikely to recur and does not cast doubt on the individual's trustworthiness, reliability, or good judgment. *Id.* at ¶ 17(c).

In this case, the LSO was concerned, in part, over the Individual's failure to list four outstanding or delinquent accounts on his e-QIP. Based on the information in the Summary of Security concerns, each of these accounts was less than \$200, and the Individual rectified them when he became aware there was a problem. *See* Ex. G. The Individual readily acknowledged the mistake and noted that he should have obtained a credit report prior to completing the e-QIP. I find that these omissions are relatively minor, and the Individual has mitigated the security concern in this regard. *See* Guideline E at ¶17(c).

However, the provision of false information to both investigators throughout the security clearance process as well as to law enforcement is a greater concern. The Individual admitted to providing false information in his November 16, 2018 FFD interview as well as to the law enforcement officer who arrested him for the October 2018 DUI. The Individual stated that he provided false information both to protect his father and due to "guilt, shame, and fear of...the consequences." Tr. at 93. I cannot find that these offenses happened under such unique circumstances that they are unlikely to recur. *Contra* Guideline E at ¶ 17(c) (stating that an individual may be able to mitigate the security concern if an offense happened under such unique circumstances that it is unlikely to recur). The Individual's repeated provision of false information when he is in a high stress situation casts doubt on his judgment, reliability, and trustworthiness, and I cannot find that he has mitigated the security concerns under Guideline E.

Based upon the evidence in the record before me at this time, I cannot find that the Individual has adequately established that restoring his security clearance will not endanger the common defense and security, and that doing so is clearly consistent with the national interest. Thus, I conclude that the Individual has not sufficiently resolved the security concerns set forth in the Notification Letter with respect to Guideline E, Guideline F, and Guideline G.

## **VI. Conclusion**

After considering all of the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all of the testimony and other evidence presented at

the hearing, I have found that the Individual has not brought forth sufficient evidence to resolve the security concerns associated with Guideline E, Guideline F, and Guideline G. Accordingly, I have determined that the Individual's access authorization should not be restored. The parties may seek review of this Decision by an Appeal Panel under the regulations set forth at 10 C.F.R. § 710.28.

Katie Quintana  
Administrative Judge  
Office of Hearings and Appeals